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CORA L. NELSON
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DEPT. REC'D. CAROL L. NELSON

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WATER RIGHTS
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ARTICLES OF AGREEMENT

THIS AGREEMENT made and entered into by and between the BOX ELDER CREEK WATER USERS ASSOCIATION, THE BRIGHAM CITY NORTH FIELD WATER COMPANY, and the FERRY IRRIGATION COMPANY, hereinafter referred to as the 'water users', and BRIGHAM CITY CORPORATION, hereinafter referred to as 'the City,'

WITNESSETH:

WHEREAS the parties hereto have heretofore entered into written agreements whereby the water heretofore flowing into Box Elder Creek and used by the water users herein named for the purpose of irrigation, may be exchanged with the City for water from other sources to the end that the City may use said water heretofore flowing into Box Elder Creek for culinary water and replace the same with water from other sources to be used by the water users for irrigation water; and

WHEREAS it now appears desirable and expedient to facilitate the exchange of said water, and to insure a friendly and satisfactory working arrangement among the parties hereto, that certain Articles of Agreement be entered into whereby there will be created a board to administer the exchange of said water, and otherwise carry out the intention of the parties as contemplated in said exchange agreements heretofore entered into between the parties, said board to be known as the Box Elder Creek Irrigation Water Control Board, and to define and set up the composition of said board and the rules of operation thereof.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements hereinafter set out, to be kept and performed by the parties hereto, each agrees with the other as follows, to-wit:

1. That there is hereby created a water control board to be known as "BOX ELDER CREEK IRRIGATION WATER CONTROL BOARD", to continue in existence until mutually dissolved by the parties hereto.

2. The said board shall be composed of seven (7) members to be appointed by the Board of Directors of ^{the} each organization of Box Elder Creek Water Users, and to hold office for an indefinite term and until their successors are appointed and qualify. The membership of said board shall be comprised of the following representatives from the various water companies or groups sharing water in the Box Elder Creek, to-wit:

Perry Irrigation Co., one member with 2 votes;

North Field Water Co., two members with 5 votes;

West Field Stream, one member with 1 vote;

70-Acre Stream, one member with 1 vote;

Brigham City Irrigators, two members with 7 votes,

for a total of seven members and a total of 16 votes. The Mayor of Brigham City shall serve as chairman of the board, and shall not be entitled to a vote.

3. It shall be the purpose and duty of the board to administer the waters of Box Elder Creek, and to insure that each member, company or organization receives its proper share of water, and to carry into effect and arbitrate in the event of any dispute, the terms and provisions of those certain agreements heretofore entered into between the water users and the city concerning the exchange of culinary water for irrigation water.

4. The officers of the board shall consist of a chairman, who shall be the Mayor of Brigham City; a vice-chairman, to be elected by the majority vote of the board, and to serve for a term of two years; and a secretary appointed and compensated by the City.

(a) It shall be the duty of the chairman to preside at all meetings, to call special meetings of the board, and to perform all acts and duties usually performed by a presiding officer.

(b) The vice-chairman shall, in the absence or disability of the chairman, perform the duties and exercise the powers of the chairman, and shall have such other powers and perform such other duties as the board may prescribe from time to time.

(c) The Secretary shall attend all meetings of the board, and shall record all votes and minutes of all proceedings in a book, or books, to be kept for that purpose. He shall serve notice on the members of all meetings, and shall perform such other duties as may be prescribed by the board.

5. The board shall have regular meetings quarterly throughout the year, on the first Monday in March, June, September and December, the time and place of said meetings to be set by the chairman. Special meetings of the board may be called by the chairman or any two members of the board. Notice of all regular and special meetings of the board shall be

given to each member by the secretary, by mailing or delivering written notice to him in person at his last known Post Office address at least ten days prior to the date fixed for such meeting, setting forth the time, place and purpose of the meeting. Five members shall constitute a quorum for a meeting of the board. At any meeting at which every member of the board shall be present, although held without notice, any business may be transacted which might have been transacted if notice of such meeting had been duly given.

6. Vacancies on the Board. If a vacancy exists on the board by reason of death, resignation, retirement, disqualification, or otherwise, the chairman will request the board of directors of the organization wherein the vacancy occurs, to appoint a successor. Any member of the board may be removed from office for cause by a majority vote of the membership of the association, company, or group he represents, or by a majority vote of the board of directors of the Box Elder Creek Irrigation Water Control Board.

7. Order of Business. All meetings of the board shall be governed by Roberts Rules of Order (revised).

8. Compensation of officers and board members. The Board members, chairman, and vice-chairman shall serve without compensation. If it becomes necessary to compensate the secretary, the cost thereof shall be paid by the City.

9. The City agrees to make and preserve records of water measurements determined to be necessary by the board in carrying out its purposes as herein set forth, and to pay all expenses connected therewith. The City further agrees with the water users that any surplus water which it may develop or acquire over and above what is necessary to replace the spring water used for culinary purposes of Brigham City, may first be rented by the water users on a pro rata basis according to the interest which each user has in the waters of Box Elder Creek, and to charge therefor on the same acre-foot basis as is charged for water by the Ogden River Water Users. The city further agrees that all sums received for the rental of said water shall be kept in a special fund earmarked "Mantua Water Storage Maintenance and Operation Fund", and shall be used solely for the purpose of maintenance and operation of the Mantua Water Storage Project.

IN WITNESS WHEREOF the parties have hereunto caused these presents to be executed by their respective officers and officials, pursuant to authority of resolutions of their boards of directors, in the case of the water users, and the City Council in the case of Brigham City.

Dated this 1st day of April A.D. 1961.

ATTEST:

W. L. Brainerd
Secretary

BRIGHAM CITY WATER USERS ASSOCIATION

By Leo Hansen
President

ATTEST:

Spencer A. Anderson
Secretary

BRIGHAM CITY NORTH FIELD WATER CO.

By John T. Leggett
President

ATTEST:

Benton Hinrichs
Secretary

PERRY IRRIGATION COMPANY

By Donnell L. Hansen
President

ATTEST:

Fannie J. Christensen
City Recorder

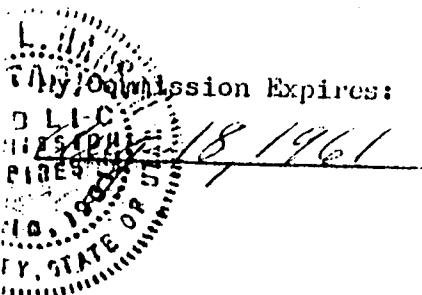
BRIGHAM CITY, a municipal corporation

By Ruel M. Eskelsen
Mayor



STATE OF UTAH)
COUNTY OF BOX ELDER) ss

On the 20th day of April, 1961, personally appeared before me, Ruel M. Eskelsen and Fannie J. Christensen, who being by me duly sworn did say: That they are the mayor and recorder, respectively of Brigham City, a municipal corporation; that said instrument was signed in behalf of said corporation by authority of a resolution of the City Council, and the said Ruel M. Eskelsen and Fannie J. Christensen acknowledged to me that said Corporation executed the same.



William F. Hansen
Notary Public
Residing at Brigham City, Utah

Indy ✓ ✓

RESOLUTION

WHEREAS the BOX ELDER CREEK WATER USERS ASSOCIATION, the BRIGHAM CITY NORTH FIELD WATER COMPANY, and the PERRY IRRIGATION COMPANY, hereinafter referred to as the water Users, and BRIGHAM CITY CORPORATION, hereinafter referred to as the City, are desirous of entering into a written agreement whereby the water heretofore flowing into Box Elder Creek and used by the water users herein named for the purpose of irrigation, may be exchanged with the City for water from other sources to the end that the City may use said water heretofore flowing into Box Elder Creek for culinary water and replace the same with water from other sources to be used by the water users for irrigation water; and

WHEREAS it now appears desirable and expedient to facilitate the exchange of said water, and to insure a friendly and satisfactory working arrangement among the parties hereto, that certain Articles of Agreement be entered into whereby there will be created a board to administer the exchange of said water, and otherwise carry out the intention of the parties as contemplated in said exchange agreements heretofore entered into between the parties, said board to be known as the Box Elder Creek Irrigation Water Control Board, and to define and set up the composition of said board and the rules of operation thereof; and

WHEREAS said written agreement has now been prepared and is ready for execution by the respective parties, it appearing that said agreement is for the mutual interest and benefit of all concerned.

NOW, THEREFORE, BE IT RESOLVED and this doth order that the president and secretary of the association and the companies hereafter named, and the Mayor and City Recorder of Brigham City Corporation, be and they are hereby authorized and directed to execute and deliver said agreement in behalf of said association, company or city, as the case may be.

Adopted by the Board of Directors of the Brigham City North Field Water Company this 13th day of April, A. D. 1961.

John T. [Signature]
Spencer A. Reader
John T. [Signature]
Spencer A. Reader
Spencer A. Reader
Board of Directors

ATTEST:

Spencer A. Reader
Secretary

RESOLUTION

WHEREAS the BOX ELDER CREEK WATER USERS ASSOCIATION, the BRIGHAM CITY NORTH FIELD WATER COMPANY, and the PERRY IRRIGATION COMPANY, hereinafter referred to as the Water Users, and BRIGHAM CITY CORPORATION, hereinafter referred to as the City, are desirous of entering into a written agreement whereby the water heretofore flowing into Box Elder Creek and used by the water users herein named for the purpose of irrigation, may be exchanged with the City for water from other sources to the end that the City may use said water heretofore flowing into Box Elder Creek for culinary water and replace the same with water from other sources to be used by the water users for irrigation water; and

WHEREAS it now appears desirable and expedient to facilitate the exchange of said water, and to insure a friendly and satisfactory working arrangement among the parties hereto, that certain Articles of Agreement be entered into whereby there will be created a board to administer the exchange of said water, and otherwise carry out the intention of the parties as contemplated in said exchange agreements heretofore entered into between the parties, said board to be known as the Box Elder Creek Irrigation Water Control Board, and to define and set up the composition of said board and the rules of operation thereof; and

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NOW, THEREFORE, BE IT RESOLVED and this doth order that the president and secretary of the association and the companies hereafter named, and the Mayor and City Recorder of Brigham City Corporation, be and they are hereby authorized and directed to execute and deliver said agreement in behalf of said association, company or city, as the case may be.

Adopted by the Board of Directors of the Box Elder Creek Water Users Association this 14th day of April, A. D. 1961

John H. H. H. H.
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John H. H. H.
John H. H. H.
John H. H. H.
John H. H. H.
John H. H. H.
Board of Directors

ATTEST:

John H. H. H.
Secretary